



10-24-07

Attorney's Docket No.: 12144-004001

Box 11/DAE #
JFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Firas Abi-Nassif et al. Art Unit : 2616
Patent No. : 7,277,446 Examiner : Chuong T. Ho
Issue Date : October 2, 2007 Conf. No. : 4528
Serial No. : 09/704,898
Filed : November 2, 2000
Title : COMMUNICATION OF DIGITAL DATA OVER A WIRELESS
TRANSMISSION MEDIUM

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT

Applicant hereby requests that the Patent Term Adjustment (PTA) for the above-identified application be reconsidered. Applicant believes that the PTA of 803 days for the above application is incorrect and that the PTA to which Applicant is entitled, is 821 days. This request is proper in that it is being submitted within 2 months from the issuance.

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October 23, 2007
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REVIEW OF PATENT TERM ADJUSTMENT CALCULATIONS

A review of the Patent Term Adjustment History in the PAIR system shows that the United States Patent and Trademark Office (PTO) calculated the PTA as follows:

- 1) Applicant submitted a response to the notice to file missing parts on April 24, 2001. The PAIR system indicates a receipt date of April 26, 2001, thereby according an Applicant Delay of 18 days. This calculation was not entered in PAIR.
- 2) The PTO mailed a delayed first action on July 6, 2004, thereby according a PTO Delay of 916 days. Applicant does not dispute this calculation herein.
- 3) Applicant submitted a response to the above-referenced action on November 5, 2004. The PAIR system indicates a receipt date of November 8, 2004, thereby according an Applicant Delay of 33 days. Applicant does not dispute this calculation herein.
- 4) The PTO mailed a delayed action on April 19, 2005, thereby according a PTO Delay of 42 days. Applicant does not dispute this calculation herein.
- 5) Applicant submitted a response to the above-referenced action on January 12, 2006. The PAIR system indicates a receipt date of January 17, 2006, thereby according an Applicant Delay of 28 days. Applicant does not dispute this calculation herein.
- 6) Applicant submitted a response to a non-final action on June 29, 2006. The PAIR system indicates a receipt date of July 3, 2006, thereby according an Applicant Delay of 58 days. Applicant does not dispute this calculation herein.
- 7) Due to the inaccurate entry in PAIR on August 28, 2007, the PTO calculated an Applicant delay of 36 days. Applicant respectfully disagrees with this calculation, and hereby requests its reconsideration.
- 8) The PTO calculates a total PTO Delay of 958 days and a total Applicant Delay of 155 days, for a total PTA of 803 days. Applicant respectfully submits that the

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PTO's calculation of Applicant Delay contains an error and that the correct total Applicant Delay is 137 days, thus yielding a total PTA of 821 days.

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CONCLUSION

In consideration of the events described above, Applicant believes the PTA calculation of 803 days is incorrect. Applicant respectfully request reconsideration of the patent term adjustment in the following manner:

- 1) Total PTO Delay should be calculated as 958 days; and
- 2) Total Applicant Delay should be calculated as 137 days.


Therefore, Applicant respectfully request a decrease in Applicant Delay from 155 days to 137 days; and an increase in the Total PTA from 803 to 821 days.

The above-identified application is not subject to a terminal disclaimer.

Please apply the \$200 fee required under 37 CFR §1.18(e) and any other charges or credits to Deposit Account No. 06-1050, referencing attorney-docket no. 12144-004001.

Respectfully submitted,

Date: 10-23-2007


Misha K. Hill
Reg. No. 59,737

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110
Telephone: (617) 542-5070
Facsimile: (617) 542-8906